

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
SECOND JUDICIAL DISTRICT COURT

RICHARD LUCERO,  
On behalf of himself and  
All others similarly situated,

Plaintiff,

vs.

BUREAU OF COLLECTION RECOVERY, INC.

Defendant.

ENDORSED  
FILED IN MY OFFICE THIS

APR 30 2009

*Juanita M. Duran*  
CLERK DISTRICT COURT

Case No.:

CV 200905059

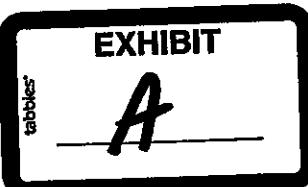
CLASS ACTION COMPLAINT FOR DAMAGES  
FOR VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT  
AND THE New Mexico COLLECTION AGENCY REGULATORY ACT

COMES NOW, Plaintiff, RICHARD LUCERO, on behalf of himself and all others similarly situated, by and through the undersigned counsel, and files this Class Action Complaint for Damages for Violation of the Fair Debt Collection Practices Act and the New Mexico Collection Agency Regulatory Act against Defendant, BUREAU OF COLLECTION RECOVERY, INC., and in support shows the following:

I. INTRODUCTION

1. This is an action for declaratory relief, actual and statutory damages brought by Plaintiff, Richard Lucero, an individual consumer, on behalf of himself and all others similarly situated, against Defendant, Bureau of Collection Recovery, Inc., for violation of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §§ 1692, *et seq.* which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices, and for violation of the New Mexico Collection Agency Regulatory Act, NMSA 1978, §§ 61-18A-1, *et seq.* which prohibits unlawful conduct by collection agencies operating in New Mexico.

2. Defendant conducts business in New Mexico, and is registered with the New Mexico Regulation and Licensing Department as a collection agency.



## II. PARTIES

3. Plaintiff, Richard Lucero ("Mr. Lucero"), is a natural person and resident of Albuquerque, New Mexico.

4. Defendant, Bureau of Collection Recovery, Inc., ("Collection Recovery Inc."), is a foreign corporation engaged in the business of collecting debt in New Mexico with its principal place of business located outside of the state.

(a). Defendant is engaged in the collection of debts from consumers using the mail and telephone and regularly attempts to collect debts alleged to be due another.

(b). Defendant is a "debt collector" as defined by FDCPA, 15 U.S.C. § 1692a(6) and NMSA 1978, § 61-18A-2G and operates as a "collection agency" as defined by NMSA 1978, § 61-18A-2C.

## III. JURISDICTION AND VENUE

5. Jurisdiction is proper before this court since Plaintiff is a resident of Albuquerque, New Mexico and Bernalillo County. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202. Venue in this District is proper in that Defendant transacts business here and the conduct complained of occurred in Albuquerque, New Mexico.

## IV. STATEMENT OF FACTS

6. In September 2008, Defendant Collection Recovery Inc. mailed a letter to Plaintiff entitled "FDCPA Notice" in an attempt to collect an alleged debt in the amount of \$688.34 (Six Hundred and Eighty Eight Dollars and 34/100 cents). See Defendant's September 7, 2008 Letter attached hereto as Exhibit A.

7. In December 2008, Defendant mailed a second letter to Plaintiff captioned "Settlement Offer" which purported to offer a settlement in the amount of \$481.84 (Four Hundred Eighty One Dollars and 84/100 cents). See Defendant's December 10, 2008 Letter attached hereto as Exhibit B.

8. Plaintiff received both the November 07, 2008 and December 10, 2008 letters at his residence in Albuquerque, New Mexico.

9. Both Exhibit A and Exhibit B describe the alleged debt as follows:

"Creditor: Verizon Wireless  
Principal Balance: \$583.34  
Collection Fees: \$100.00  
Total Amount Due: \$688.34  
Account Number: 41258916  
Creditor Number: 027056172200001"

10. Defendant's November 07, 2008 letter also states:

"As of the date of this letter, you owe a total amount of \$688.34. Because of interest, late charges and other charges assessed by your creditor that may vary from day to day, the amount due of the day you pay may be greater. Hence, if you pay the amount shown above, an adjustment may be necessary after we receive your check, in which event we will inform you before depositing the check for collection."

See Exhibit A.

11. Defendant was licensed to operate as a collection agency in New Mexico. See Licensee Details Page from New Mexico Regulation and Licensing Department website [Last accessed April 16, 2009] attached hereto as Exhibit C.

12. On the Licensee Details Page "Bobbie Dunn" is listed as "Owner" of the Defendant under the "Demographic Information" section and as "Manager" under the "Employment Information" section. Ex. C.

13. Therefore, it appears that Defendant appointed or hired one Bobbie Dunn, an individual, to serve as manager within the state.

14. The New Mexico Regulation and Licensing Department maintains a list of "licensed managers" operating in New Mexico. See "Collection Agency Managers that Collect for Various Collection Agencies" List compiled by Financial Institutions Division ("Collection Managers List") attached hereto as Exhibit D.

15. Bobbie J. Dunn, appears on said list with an address of P.O. Box 16035 Albuquerque, NM 87191-6035.

16. Ms. Dunn's physical address is 9747 Village Green Dr. NE, Albuquerque, New Mexico 87111 which is located within the gated community known as "Tanoan Country Club".

17. Upon information and belief, Bobbie J. Dunn does not maintain a physical business address in connection her management of Defendant's collection activities. Instead, Bobbie Dunn conducts business for Defendant, Bureau of Collection Recovery, Inc., from her home.

**V. CLASS ACTION ALLEGATIONS**

18. Plaintiff, Richard Lucero ("Mr. Lucero"), brings this action on behalf of himself and the members of the class described herein as a class action under Rule 1-023 of the New Mexico Rules of Civil Procedure for the District Courts.

**19. THE CLASS:**

The Class consists of (1) all persons residing in New Mexico; (2) who received a letter, communication or other correspondence from Defendant in an attempt to collect a debt; (3) where the letter, communication or other correspondence was addressed to a New Mexico address; (4) during the time period beginning one year prior to the filing of this Complaint. For the members of the Class, Mr. Lucero seeks declaratory relief, actual and statutory damages.

**20. SUB-CLASS A:**

Sub-Class A consists of members of the Class who, after receiving a letter, communication or other correspondence from Defendant, remitted partial or whole payment(s) to Defendant. For members of Subclass A, in addition to the relief sought for each member of the whole Class, Mr. Lucero seeks special restitution damages for payments made to Defendant plus interest thereon from the date such payments were made.

21. Excluded from the Class are (1) any judges or judicial officer assigned to this matter and his or her immediate family and (2) the legal representatives, successors or assigns of any such excluded persons.

22. Upon information and belief, the number of Class members is so numerous that formal joinder of all members is impracticable.

23. Mr. Lucero's damages are typical and representative of the damages sustained by the members of the Class.

24. Mr. Lucero's representation of Sub-Class A is calculated to include those members of the Class who are unaware that they may have a claim against Defendant.

25. There are common questions of law or fact which predominate over any questions affecting only individual Class members.

26. Common questions of law include, but are not limited to the following:

(a). Whether Defendant violated the New Mexico Collection Agency Regulatory Act ("Collection Agency Act"), NMSA 1978, §§ 61-18A-1, *et seq.*; and

(b). Whether Defendant violated the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §§ 1692, *et seq.*

27. The claims brought in this lawsuit can be determined principally from the letters mailed by Defendant to Plaintiff(s) and by records kept in the ordinary course of business by Defendant regarding collection of debts allegedly owed by Plaintiff(s).

28. The claims of Mr. Lucero are based on similar facts and legal theory, and are typical of the claims or defenses of the members of the Class.

29. Mr. Lucero will fairly and adequately protect the interests of the Class members. He has retained attorney(s) who are experienced at handling class actions, including unfair collection practices class actions.

30. Separate actions by individual Class members could create a risk of:

(a). Inconsistent or varying adjudication with respect to individual Class Members which would establish incompatible standards of conduct for the party opposing the Class; and,

(b) Adjudications with respect to individual Class Members which would as a practical matter be dispositive to the interests of the other members not parties to the adjudications, or substantially impair or impede their interests.

31. An action in which any Class Member may participate by signifying a desire to do so is superior to other available methods of the adjudication of the controversy.

32. Mr. Lucero and his counsel have no interest which may conflict with the interests of the members of the Class.

33. Certification of the Class under N.M.R.A. 1-023(B)(3) is appropriate in that:

(a). The questions of law and fact common to the members of the Class predominate over any question affecting an individual member; and

(b). A class action is superior to other available methods for the fair and efficient adjudication of the controversy.

34. Certification of a class under N.M.R.A. 1-023(B)(2) is also appropriate because Defendant has acted on grounds generally applicable to the Class thereby making appropriate declaratory relief with respect to the classes as a whole.

**VI. CLAIMS FOR RELIEF**

35. Plaintiff(s) restates, realleges and incorporates by reference to the foregoing paragraphs.

36. Defendant, Bureau of Collection Recovery, Inc., acted unlawfully (1) by operating as a collection agency in New Mexico, (2) by attempting to collect debts from consumers, and (3) by receiving payments on alleged debts, in violation of the New Mexico Collection Agency Regulatory, NMSA 1978, §§ 61-18A-1, *et seq.* and in violation of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §§ 1692, *et seq.* The violations include, but are not limited to the following:

**COUNT I**  
**VIOLATION OF THE NEW MEXICO COLLECTION AGENCY ACT**  
**N.M.S.A. 1978 §§ 61-18A-1 ET SEQ.**

37. Persons or entities engaging in the business of debt collection in New Mexico are regulated by the Collection Agency Regulatory Act, New Mexico Statutes Annotated 1978, Chapter 61, Art. 18A, Sections 1 through 32 ("Collection Agency Act").

38. The Collection Agency Act requires that collection agencies, collection agency managers, and persons engaged in the business of collecting claims for others must apply for and obtain the licenses required by the Act. NMSA 1978, § 61-18A-5A.

39. The Collection Agency Act also requires that a collection agency hire a "licensed manager" within the state and that such manager "be actively in charge of the collection agency for which the license is sought." NMSA 1978, § 61-18A-8.

40. In regard to foreign corporations, the Act states:

"No collection agency license shall be issued to any foreign corporation or partnership unless it has fully complied with the laws of the state of New Mexico so as to entitle it to do business within this state, and provided further that such foreign corporation or partnership *shall establish and maintain a full time bona fide collection agency in this state at all times during the life of any license issued to it. All records of such local collection agency must be maintained at the principal office in New Mexico of such agency.*"

NMSA 1978, § 61-18A-14 (emphasis added).

41. Bobbie J. Dunn "Ms. Dunn") is listed as a licensed manager by the New Mexico Regulation and Licensing Department with an address of P.O. Box 16035 Albuquerque, NM 87191-6035. Ex. D.

42. The address listed on the Licensee Details Page for Defendant is "Albuquerque, NM 87191-6035." Ex. C.

43. Upon information and belief, neither Defendant nor Defendant's licensed manager, Ms. Dunn, maintains an actual business address (e.g. an address other than a post office box or residential address) within the state.

44. Mr. Lucero and the members of the Class are consumers and/or "debtors" as contemplated by § 61-18A-2H of the Act.

45. Defendant, Bureau of Collection Recovery, Inc. is a "collection agency" as defined by § 61-18A-2C of the Act.

46. Defendant's unlawful acts warrant available remedies under New Mexico state law and under Federal law including the Fair Debt Collection Practices Act (see Count II *infra*).

47. Defendant acted unlawfully and in violation of the Collection Agency Regulatory Act, by committing, among other violations, the following acts or omissions:

(a) Defendant violated NMSA 1978, § 61-18A-14 which specifically requires that a foreign collection agency:

i. "[E]stablish and maintain a full time bona fide collection agency in this state at all times during the life of any license issued to it"; and,

ii. That "[a]ll records of such local collection agency must be maintained at the principal office in New Mexico of such agency." and

(b) Defendant violated NMSA 1978 § 61-18A-18 which requires that:

"[E]ach license or license duplicate or renewal license, if any, shall be conspicuously displayed at the place of business noted in the license at all times."

48. WHEREFORE, as a result of the foregoing violations of the Collection Agency Regulatory Act, Defendant, Bureau of Collection Recovery, Inc. is liable to Mr. Lucero for declaratory judgment, actual damages, statutory damages, costs, attorney's fees and interest where available;

49. AND, Defendant is likewise liable to each member of the Class for declaratory judgment, actual damages, statutory damages, costs, attorney's fees and interest where available;

50. AND, in addition to damages and remedies available to all members of the Class, Defendant is liable to each member of Sub-Class A for special restitution damages including interest.

**COUNT II**  
**UNLAWFUL COLLECTION OF DEBT**  
**IN VIOLATION OF FDCPA 15 U.S.C. §§ 1962E AND 1962F**

51. The Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §§ 1692, *et seq.* prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

52. Defendant is a "debt collector" as defined by 15 U.S.C. §1692a(6) of the FDCPA.

53. A debt collector acting in contravention of a state law which regulates collection agencies thereby violates the FDCPA.

54. Section 1962e of the FDCPA prohibits "false, deceptive or misleading" collection activity and further defines prohibited acts:

- (a) Under subsection 1692e(5), as threatening to "take any action that cannot legally be taken"; and,
- (b) Under subsection 1692e(10), as "the use of any false representation or deceptive means to collect or attempt to collect a debt."

55. Section 1692f also prohibits "unfair or unconscionable" methods of debt collection.

56. Defendant, Bureau of Collection Recovery, Inc., violated the FDCPA by committing the following acts or omissions, including but not limited to:

- (a) Engaging in "false, deceptive or misleading" collection activities by misrepresenting that it was authorized to collect debts from Mr. Lucero and the members of the Class in violation of the general prohibitions contained in 15 U.S.C. §1692e; and,
- (b) Threatening "take any action that cannot legally be taken" as against Plaintiff(s) since Defendant could not take any legal action without full compliance with NMSA 1978, §§ 61-18A-1 *et seq.* in violation of 15 U.S.C. 1692e(5); and,

(c) Using "any false representation or deceptive means to collect or attempt to collect a debt" by Defendant's implicit representation through letters and/or telephone calls to Plaintiff(s) that it was authorized to collect debts in New Mexico in violation of 1692e(10); and,

(d) Engaging in "unfair or unconscionable" methods of debt collection in violation of 1692f by acting unlawfully against Plaintiff(s) within the state.

57. WHEREFORE, as a result of the foregoing violations of the Fair Debt Collection Practices Act, Defendant, Bureau of Collections, Inc. is liable to Mr. Lucero for declaratory judgment, actual damages, statutory damages, costs, attorney's fees and interest where available;

58. AND, Defendant is likewise liable to each member of the Class B for declaratory judgment, actual damages, statutory damages, costs, attorney's fees and interest where available;

59. AND, in addition to damages and remedies available to all members of the Class, Defendant is liable to each member of Sub-Class A for special restitution damages including interest.

#### V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff(s), RICHARD LUCERO and THE MEMBERS OF THE CLASS, respectfully request that judgment be entered against Defendant, BUREAU OF COLLECTION RECOVERY, INC., as a result of the foregoing violations of the New Mexico Collection Agency Regulatory Act and the Fair Debt Collection Practices Act as follows:

##### A. For Mr. Lucero and Each Member of the Class

- (1) Declaratory judgment that Defendant's conduct violated the New Mexico Collection Agency Regulatory Act;
- (2) Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act;
- (3) Statutory damages pursuant to 15 U.S.C. § 1692k;
- (4) Actual damages plus interest thereon;
- (5) Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k;
- (6) Monetary damages available under N.M.R.A. 1-023(B)(3);
- (7) Equitable relief under N.M.R.A. 1-023(B)(2); and,

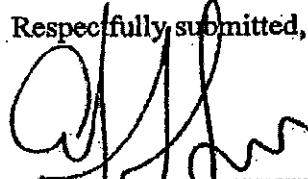
(8) For such other and further relief as the Court may deem just and proper.

**B. For Each Member of Sub-Class A**

(1) In addition to the remedies sought by all members of the Class,

(2) Special restitution damages including interest.

Respectfully submitted,

  
\_\_\_\_\_  
**ALFRED M. SANCHEZ**  
Attorney for Plaintiff(s)  
301 Gold Ave. SW, Ste. 202  
Albuquerque, NM 87102  
(505) 242-1979



We are required under state law to notify consumers of the following rights. This list does not contain a complete list of the rights consumers have under state and federal law.

**CALIFORNIA RESIDENTS:** The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or [www.ftc.gov](http://www.ftc.gov).

**COLORADO RESIDENTS: FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE [WWW.AGO.STATE.CO.US/CADC/CADCMAN.CFM](http://WWW.AGO.STATE.CO.US/CADC/CADCMAN.CFM).**

A consumer has the right to request in writing that a debt collector or collection agency cease further communication with the consumer. A written request to cease communication will not prohibit the debt collector or collection agency from taking any other action authorized by law to collect the debt.

**MASSACHUSETTS RESIDENTS:**

NOTICE OF IMPORTANT RIGHTS: YOU HAVE THE RIGHT TO MAKE A WRITTEN OR ORAL REQUEST THAT TELEPHONE CALLS REGARDING YOUR DEBT NOT BE MADE TO YOU AT YOUR PLACE OF EMPLOYMENT. ANY SUCH ORAL REQUEST WILL BE VALID FOR ONLY TEN DAYS UNLESS YOU PROVIDE WRITTEN CONFIRMATION OF THE REQUEST POSTMARKED OR DELIVERED WITHIN SEVEN DAYS OF SUCH REQUEST. YOU MAY TERMINATE THIS REQUEST BY WRITING TO THE DEBT COLLECTOR.

**MINNESOTA RESIDENTS:** THIS COLLECTION AGENCY IS LICENSED BY THE MINNESOTA DEPARTMENT OF COMMERCE.

**NEW YORK CITY:** New York City Department of Consumer Affairs License Number 1150415.

**NORTH CAROLINA:** North Carolina Permit Number 1074.  
Our name and address is Bureau of Collection Recovery, 7575 Corporate Way, Eden Prairie, MN 55344.

**TENNESSEE RESIDENTS:** This collection agency is licensed by the Collection Service Board of the Department of Commerce and Insurance.

**WISCONSIN RESIDENTS:** This collection agency is licensed by the Division of Banking, P.O. Box 7876, Madison, Wisconsin 53707.

Department # 1456

P.O. Box 1259

Oaks, PA 19456



For Processing of Return Mail only.

Do not send correspondence to this address.

16477-37

Richard Lucero  
 10805 CORDOVA AVE NE  
 ALBUQUERQUE NM 87112-1610

## Bureau of Collection Recovery, Inc.

7575 Corporate Way

Eden Prairie, MN 55344

888-276-8572

Date: 12/10/08

Creditor: VERIZON WIRELESS

Principal Balance: \$583.34

Collection Fees: \$105.00

Total Amount Due: \$688.34

Account Number: 41258916

Creditor Number: 027056172200001

## Settlement Offer

Dear Richard Lucero:

The Bureau of Collection Recovery would like to offer a settlement on the above-referenced account for less than the full balance due.

To settle this debt, The Bureau of Collection Recovery will accept \$481.84 which represents 70% of your total balance.

This communication is from a debt collector. This is an attempt to collect a debt by a debt collector and any information will be used for that purpose.

## Hours of Operation (Central Time)

Monday - Thursday 7am-9pm

Friday 7am - 5pm

Central Time

## NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION.

Sincerely,

VICTOR VELASQUEZ  
 888-276-8572  
 Bureau of Collection Recovery

Please detach and return in the enclosed envelope with your payment

Richard Lucero  
 10805 CORDOVA AVE NE  
 ALBUQUERQUE NM 87112-1610

Date: 12/10/08  
 Account Number: 41258916  
 Creditor: VERIZON WIRELESS  
 Principal Balance: \$583.34  
 Collection Fee: \$105.00  
 Amount Due: \$688.34  
 Amount Remitted: \$

PLEASE NOTE CHANGES TO YOUR  
 ADDRESS OR PHONE NUMBER BELOW.

HOME #: \_\_\_\_\_

WORK #: \_\_\_\_\_

Pay online at: <http://payments.bureauofcollection.com>

Mail payment to:

Bureau of Collection Recovery  
 PO Box 9001  
 Minnetonka, MN 55345-9001

16477-37

We are required under state law to notify consumers of the following rights. This list does not contain a complete list of the rights consumers have under state and federal law.

**CALIFORNIA RESIDENTS:** The state Rosenthal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgement. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or [www.ftc.gov](http://www.ftc.gov).

**COLORADO RESIDENTS: FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE [WWW.AGO.STATE.CO.US/CADCCADCMAIN.CFM](http://WWW.AGO.STATE.CO.US/CADCCADCMAIN.CFM).**

A consumer has the right to request in writing that a debt collector or collection agency cease further communication with the consumer. A written request to cease communication will not prohibit the debt collector or collection agency from taking any other action authorized by law to collect the debt.

**MASSACHUSETTS RESIDENTS:**  
NOTICE OF IMPORTANT RIGHTS: YOU HAVE THE RIGHT TO MAKE A WRITTEN OR ORAL REQUEST THAT TELEPHONE CALLS REGARDING YOUR DEBT NOT BE MADE TO YOU AT YOUR PLACE OF EMPLOYMENT. ANY SUCH ORAL REQUEST WILL BE VALID FOR ONLY TEN DAYS UNLESS YOU PROVIDE WRITTEN CONFIRMATION OF THE REQUEST POSTMARKED OR DELIVERED WITHIN SEVEN DAYS OF SUCH REQUEST. YOU MAY TERMINATE THIS REQUEST BY WRITING TO THE DEBT COLLECTOR.

**MINNESOTA RESIDENTS:** THIS COLLECTION AGENCY IS LICENSED BY THE MINNESOTA DEPARTMENT OF COMMERCE.

**NEW YORK CITY:** New York City Department of Consumer Affairs License Number 1150415.

**NORTH CAROLINA:** North Carolina Permit Number 1074.  
Our name and address is Bureau of Collection Recovery, 7575 Corporate Way, Eden Prairie, MN 55344.

**TENNESSEE RESIDENTS:** This collection agency is licensed by the Collection Service Board of the Department of Commerce and Insurance.

**WISCONSIN RESIDENTS:** This collection agency is licensed by the Division of Banking P.O. Box 7876, Madison, Wisconsin 53707.

**Licensee Details****Demographic Information**

Title:	First:	Middle:	Last: Suffix:
Name: Bureau Of Collection Recovery, Inc.		Owner: BOBBIE DUNN	
Home State:			

**Address Information**

City: Albuquerque	State: NM	Zip: 871016035
-------------------	-----------	----------------

**License Information**

DBA: Bureau Of Collection Recovery, Inc.	Type: Collection Agency	Secondary:
Lic #: 00523	Profession: Financial Institutions	Expiry: 6/30/2009
Status: Active	Issued: 10/8/1999	Effective: 10/8/1999
Reason:	Date: 6/9/2003	Renewed: 5/22/2008
Method: Application	State:	Country:
Appealed:	Result:	Effective:
		LOA Issue:
		LOA Expiry:

**Prerequisite Information**

No Prerequisite Information

**Education Information**

No Education Information

**Employment Information**

Profession: Financial Institutions	Employer: Bobbie J. Dunn	Position Name: MANAGER	Start Date:
End Date:	Credits:	Credit Unit:	Credit Type:
Approved:	Credit	Primary Employer:	Number of Hours:
Diversion Flag:	Date:	Comments:	
Part-time:			
Remarks:			

**Specialty Information**

No Specialty Information

**Violation Information**

No Violation Information

**Discipline Information**

No Discipline Information

**Limits/Restriction Information**

No Limits/Restriction Information

**License Bond Information**

TRAVELERS CASUALTY AND	<b>EXHIBIT</b>	Bond Continuous
775219138		

SURETY COMPANY OF AMERICA	NM	Ind:
Bond Company:	Bond Number:	SURETY
Bond Amount: 15000.00	Bond Issue Date: 7/1/2001	Bond Cash Deposit Date:
Bond Termination Date:	Bond Expiration Date:	Coverage Type: Bond
Bond Cash Release Date:		

**License CSR Information**

No License CSR Information

**Respondent License Information**

No Respondent License Information

**CheckList Information**

No CheckList Information

**Related Documents**

No Related Documents

**STATE OF NEW MEXICO  
FINANCIAL INSTITUTIONS DIVISION  
COLLECTION AGENCY MANAGERS THAT COLLECT FOR VARIOUS COLLECTION AGENCIES**

NAME	CITY	PHONE NUMBER	MAILING ADDRESS
Linda S. Allen	Farmington	505-326-0018	4713 Caspian Avenue, Suite 1, Farmington, NM 87402
William E. Sharer	Farmington	505-325-5055	500 N. Orchard, Farmington, NM 87402
Bobbie J. Dunn	Albuquerque	505-823-6473	P.O. Box 16035, Albuquerque, NM 87191-5035
Michael W. Pierson	Albuquerque	505-298-3268	P.O. Box 51416, Albuquerque, NM 87181
Jeffrey D. Johnson	Albuquerque	505-884-7670	5812 Cometa Court N.E., Albuquerque, NM 87111
Stephen D. Bass	Albuquerque	505-843-7573	200 Lomas Blvd. N.W., Suite 850, Albuquerque, NM 87102
Ann L. Scheibner	Albuquerque	505-843-7573	200 Lomas Blvd. N.W., Suite 850, Albuquerque, NM 87102
Bryan Thomason	Albuquerque	505-265-9630	111 Lomas Blvd. NW, Suite 502, Albuquerque, NM 87102
Robert Pierson	Albuquerque	505-410-5235	4409 Delamar NE, Albuquerque, NM 87110
Eddie Rios	Santa Fe	505-920-8400	22A Ana Maria Lane, Santa Fe, NM 87506

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
SECOND JUDICIAL DISTRICT COURT

RICHARD LUCERO, On behalf of himself  
and All others similarly situated,

Plaintiff,

vs.

BUREAU OF COLLECTION RECOVERY, INC.,

Defendant.

ENDORSED  
FILED IN MY OFFICE THIS

APR 3 0 2009

*Juanita M. Sanchez*  
CLERK DISTRICT COURT

CV 20090505

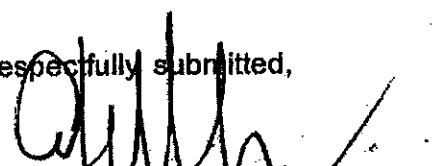
No. \_\_\_\_\_

COURT-ANNEXED ARBITRATION CERTIFICATION

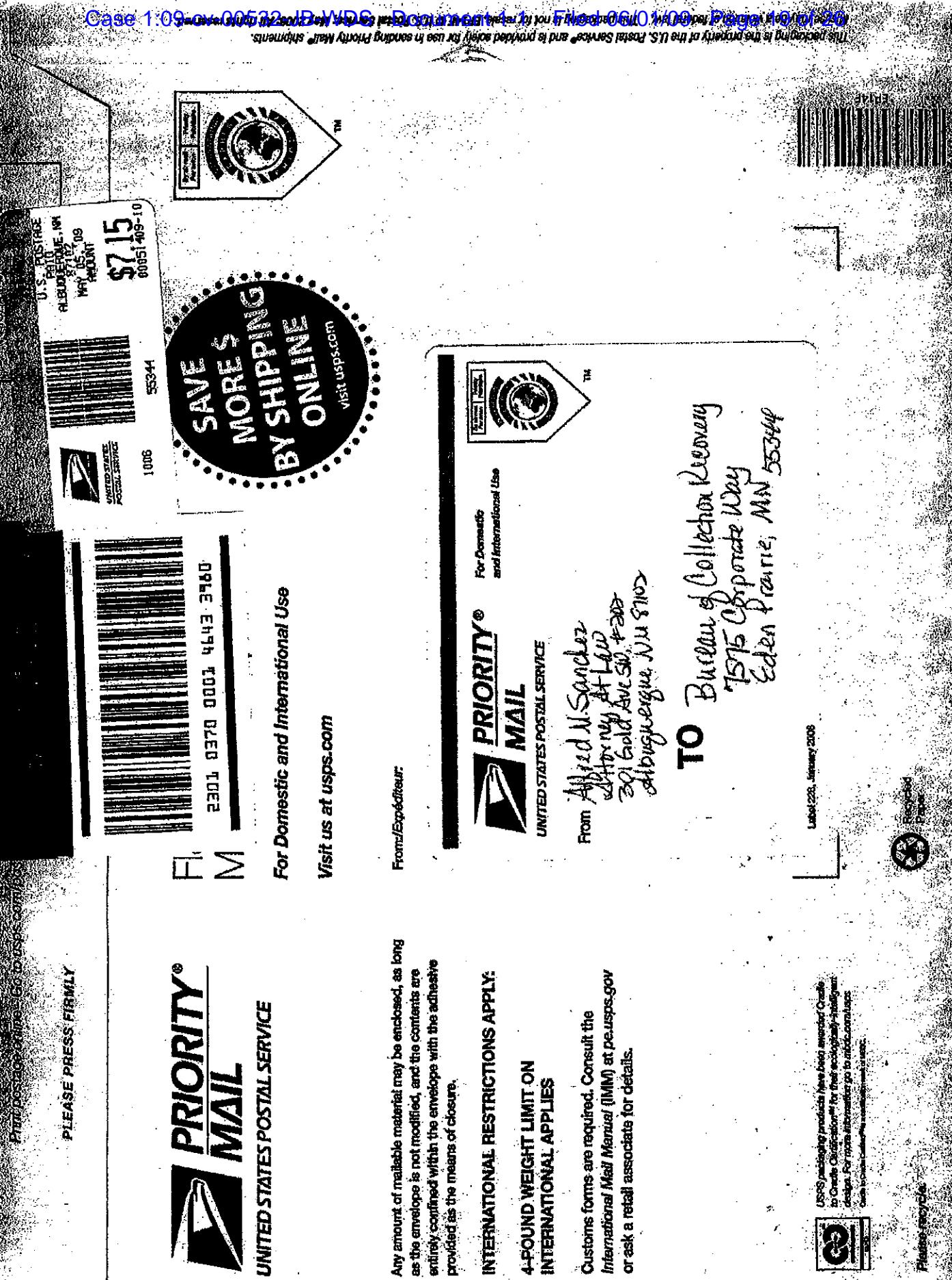
COMES NOW the Plaintiff, Richard Lucero, by and through his counsel of record, Alfred M. Sanchez, pursuant to Second Judicial District Local Rules, Rule LR2-603, certifies as follows:

This party seeks a money judgment that exceeds twenty-five thousand dollars (\$25,000), and this a class action lawsuit not subject to court-annexed arbitration.

Respectfully submitted,

  
ALFRED M. SANCHEZ  
Attorney for Plaintiff  
301 Gold Ave. SW, Ste. 202  
Albuquerque, NM 87102  
(505) 242-1979

Case 1:09-cv-00532-JB-WDS Document 1 Filed 06/10/10 Page 10 of 20



<u>Our Account ID:</u>	41258916	<u>Status:</u>	RCL	<u>Report Date</u>	
<u>Customer:</u>	17954	VERIZON WIRELESS		5/7/2009 2:30PM	
<u>Account Number:</u>	027056172200001				
<u>Received:</u>	11/5/2008	<u>Closed:</u>	4/9/2009	<u>Returned:</u>	5/7/2009
<u>Original Balance:</u>	\$688.34	<u>Interest Rate:</u>	0.00		
<u>Amount Paid:</u>	\$0.00	<u>Last Int Date:</u>	11/5/2008		
<u>Current Balance:</u>	\$688.34				

<u>Name</u>	LUCERO, RICHARD	<u>SSN</u>	585263592	<u>DOB</u>	
<u>Other Name</u>		<u>HomePhone</u>			
<u>Street1</u>	10805 CORDOVA AVE NE	<u>WorkPhone</u>			
<u>Street2</u>					
<u>CSZ</u>	ALBUQUERQUE, NM 871121610				

Date	Type	Matched	Check No	Involved	Amount	Comment

Date and Time	User	Action	Result	Comment	
11/5/2008 1:59AM	TCL	TCL	TCL	Got phone 5058394089 from TCL	
11/6/2008 8:38AM	Dolan	Sent	Dolan	Primary Debtor Sent to Dolan for Bankruptcy	
11/6/2008 8:53AM	Dolan	Sent	Dolan	Primary Debtor Sent to Dolan for Deceased	
11/6/2008 9:29AM	SysAdmin	Load	Init	Initial Homephone # (505)839-4089	
11/6/2008 9:29AM	SysAdmin	Load	Init	Initial Workphone # (505)332-3395	
11/6/2008 9:29AM	SysAdmin	Load	Init	Initial Address 10805 CORDOVA AVE NE	
11/6/2008 9:29AM	SysAdmin	Load	Init	Initial Address ALBUQUERQUE , NM 87112-1610	
11/6/2008 10:20AM	SysAdmin	Load	Init	Initial Homephone # (505)839-4089	
11/6/2008 10:20AM	SysAdmin	Load	Init	Initial Workphone # (505)332-3395	
11/6/2008 10:20AM	SysAdmin	Load	Init	Initial Address 10805 CORDOVA AVE NE	
11/6/2008 10:20AM	SysAdmin	Load	Init	Initial Address ALBUQUERQUE , NM 87112-1610	
11/6/2008 12:12PM	O1120	TR	21	#5058394089#21:21: Dialer Incomplete Information :H0:2008-11-06	
				12:12:15:000:	
11/6/2008 12:57PM	mlindstrom	LETRR	REQST	First Dunning Letter Sent	
11/7/2008 2:46AM	O1120	CO	++++	Status Changed NEW   ACT	
11/7/2008 10:57AM		TR	13	#5058394089#13:13: Dialer Answering Machine :H0:2008-11-07	
				10:57:26:000:	
11/7/2008 2:53PM	O1242	TR	18	#5058394089#18:18: Dialer RPC Transfer :H0:2008-11-07 14:53:23:000:	
11/8/2008 2:18AM	O1242	CO	++++	Status Changed NEW   ACT	
11/8/2008 2:33AM		CO	++++	Status Changed NEW   ACT	
11/8/2008 9:33AM		TR	13	#5058394089#13:13: Dialer Answering Machine :H0:2008-11-08	
				09:33:42:000:	
11/9/2008 1:56AM		CO	++++	Status Changed NEW   ACT	
11/9/2008 11:10AM		TR	46	#5058394089#46:46: Dialer Customer Hung up Out Q :H0:2008-11-09	
				11:10:44:000:	
11/10/2008 6:21AM		CO	++++	Status Changed NEW   ACT	
11/10/2008 9:27AM	MMcDowell	DESK	CHNG	Desk Changed from 0000000 to 666668	
11/10/2008 11:27AM	O1092	TR	62	#5058394089#62:62:62:H0:2008-11-10 11:27:08:000:	
11/10/2008 3:22PM		TR	15	#505323395#:15:15: Dialer No Answer :H0:2008-11-10 15:22:53:000:	
11/10/2008 6:51PM		TR	13	#5058394089#13:13: Dialer Answering Machine :H0:2008-11-10	
				18:51:35:000:	
11/10/2008 8:29PM	O1125	TR	62	#5058394089#62:62:62:H0:2008-11-10 20:29:22:000:	
11/11/2008 2:57AM	O1125	CO	++++	Status Changed NEW   ACT	
11/11/2008 2:57AM		CO	++++	Status Changed NEW   ACT	

## Case 1:09-cv-00532-JB-WDS Document 1-1 Filed 06/01/09 Page 21 of 26

History of Account 4125891(Continued)

11/11/2008 3:05AM		CO	++++	Status Changed NEW ACT
11/11/2008 3:19AM	O1092	CO	++++	Status Changed NEW ACT
11/11/2008 10:57AM	O1057	TR	21	#5058394089#:21:21: Dialer Incomplete Information :H0:2008-11-11 10:57:43:000:
11/12/2008 3:00AM	O1057	CO	++++	Status Changed NEW ACT
11/12/2008 11:00AM		TR	13	#5058394089#:13:13: Dialer Answering Machine :H0:2008-11-12 11:00:29:000:
11/12/2008 12:19PM		TR	13	#5058394089#:13:13: Dialer Answering Machine :H0:2008-11-12 12:19:38:000:
11/12/2008 4:41PM	O1021	TR	62	#5058394089#:62:62:62:H0:2008-11-12 16:41:39:000:
11/12/2008 7:56PM		TR	13	#5058394089#:13:13: Dialer Answering Machine :H0:2008-11-12 19:56:31:000:
11/12/2008 8:51PM	O1104	TR	66	#5058394089#:66:66: Dialer Wrong number :H0:2008-11-12 20:51:33:000:
11/12/2008 8:57PM	jsundin	TR	WN	Old Home Phone(1) was 5058394089
11/12/2008 8:59PM	jsundin	OT	WN	person called in/person stated that he is not richard/told person i removed number/setting followup
11/13/2008 2:06PM		TR	48	#5053323395#:48:48: Dialer No Agent for Out call :H0:2008-11-13 14:06:45:000:
11/17/2008 1:53PM	O1061	TR	62	#5053323395#:62:62:62:H0:2008-11-17 13:53:53:000:
11/18/2008 1:55PM	O1120	TR	21	#5053323395#:21:21: Dialer Incomplete Information :H0:2008-11-18 13:55:55:000:
11/20/2008 1:39PM	O1237	TR	21	#5053323395#:21:21: Dialer Incomplete Information :H0:2008-11-20 13:39:03:000:
11/24/2008 1:42PM	O1206	TR	62	#5053323395#:62:62:62:H0:2008-11-24 13:42:54:000:
11/25/2008 1:54PM	O1206	TR	62	#5053323395#:62:62:62:H0:2008-11-25 13:54:19:000:
11/26/2008 1:36PM	O1011	TR	66	#5053323395#:66:66: Dialer Wrong number :H0:2008-11-26 13:36:02:000:
11/27/2008 1:38AM	O1011	GEXCH	UPDATE	Old Phone updated - 5053323395
12/4/2008 12:00AM	SysAdmin	Inovis	Sent	Account sent to Inovis for Bad Phone
12/10/2008 12:00AM	SysAdmin	Isight	Sent	Account sent to insight for Bad Phone
12/10/2008 12:00AM	SysAdmin	Isight	Sent	Account sent to insight for Bad Phone
12/10/2008 2:18PM	bbuchko	LETTR	REQST	Settlement letter S20: S20 Settlement Letter requested for \$481.84 due 12/24/2008
12/11/2008 2:33PM	Insight			"New Phone from Insight for badphone" 5052753054
12/12/2008 3:48PM		TR	38	#5052753054#:38:38: Dialer Disconnected Number :H0:2008-12-12 15:48:49:000:
12/15/2008 10:32AM		TR	38	#5052753054#:38:38: Dialer Disconnected Number :H0:2008-12-15 10:32:32:000:
12/15/2008 3:27PM		TR	38	#5052753054#:38:38: Dialer Disconnected Number :H0:2008-12-15 15:27:13:000:
12/15/2008 7:50PM		TR	38	#5052753054#:38:38: Dialer Disconnected Number :H0:2008-12-15 19:50:16:000:
12/16/2008 1:33AM	Dialer	Update	Update	Update Phone 7 from the dialer-Code 38
1/8/2009 12:00AM	SysAdmin	Inovis	Sent	Account sent to Inovis for Bad Phone
1/8/2009 12:00AM	SysAdmin	Inovis	Sent	Account sent to Inovis for Bad Phone
1/8/2009 1:26PM	mlindstrom	LETTR	REQST	Settlement letter S20: S20 Settlement Letter requested for \$413.00 due 01/22/2009
1/13/2009 5:23PM	MMcDowell	DESK	CHNG	Desk Changed from 666668 to 666669
1/15/2009 12:00AM	SysAdmin	Isight	Sent	Account sent to insight for Bad Phone
1/15/2009 12:00AM	SysAdmin	Isight	Sent	Account sent to insight for Bad Phone
1/15/2009 12:00AM	SysAdmin	Isight	Sent	Account sent to insight for Bad Phone
1/22/2009 12:00AM	SysAdmin	Inovis	Sent	Account sent to Inovis for Bad Phone
1/22/2009 12:00AM	SysAdmin	Inovis	Sent	Account sent to Inovis for Bad Phone
1/22/2009 12:00AM	SysAdmin	Inovis	Sent	Account sent to Inovis for Bad Phone
1/28/2009 10:15AM	Inovis			Received following Phones 505-293-5033 --
1/28/2009 10:52AM	Inovis			Received following Address = = =
1/28/2009 10:52AM	Inovis			Received Following Address = = = =
1/29/2009 12:26AM	Admin	PHONE	CHNG	Phone 5 Update 505-293-5033
1/29/2009 12:26AM	Admin	PHONE	CHNG	Phone 8 Update =

## Case 1:09-cv-00532-JB-WDS Document 1-1 Filed 06/01/09 Page 22 of 26

History of Account 41258916(Continued)

1/29/2009 12:43PM		TR	38	#5052935033#38:38: Dialer Disconnected Number :H0:2009-01-29 12:43:55:000:
1/29/2009 8:00PM		TR	38	#5052935033#38:38: Dialer Disconnected Number :H0:2009-01-29 20:00:56:000:
1/30/2009 2:05AM	Dialer	Update	Update	Update Phone 5 from the dialer-code 38
2/6/2009 12:00AM	SysAdmin	Inovis	Sent	Account sent to Inovis for Bad Phone
2/9/2009 9:38AM	Inovis			Received following Phones = = =
2/9/2009 12:14PM	Inovis			Received following Address = = =
2/9/2009 12:14PM	Inovis			Received Following Address = = =
2/10/2009 12:17AM	Admin	PHONE	CHNG	Phone 5 Update =
2/10/2009 12:17AM	Admin	PHONE	CHNG	Phone 8 Update =
2/12/2009 12:00AM	SysAdmin	Isight	Sent	Account sent to insight for Bad Phone
3/1/2009 12:00AM	SysAdmin	Isight	Sent	Account sent to insight for Bad Phone
3/1/2009 12:00AM	SysAdmin	Isight	Sent	Account sent to insight for Bad Phone
3/5/2009 12:00AM	SysAdmin	Inovis	Sent	Account sent to Inovis for Bad Phone
3/6/2009 1:12AM	Inovis			Received following Phones 505-294-5075 = =
3/6/2009 4:20PM	Inovis			Received following Address = = =
3/6/2009 4:20PM	Inovis			Received Following Address = = =
3/7/2009 12:42AM	Admin	PHONE	CHNG	Phone 5 Update 505-294-5075
3/7/2009 12:42AM	Admin	PHONE	CHNG	Phone 8 Update =
3/12/2009 11:46AM		TR	15	#5052945075#15:15: Dialer No Answer :H0:2009-03-12:11:46:29:000:
3/19/2009 10:11AM		TR	15	#5052945075#15:15: Dialer No Answer :H0:2009-03-19:10:11:01:000:
4/1/2009 11:57AM		TR	15	#5052945075#15:15: Dialer No Answer :H0:2009-04-01:11:57:28:000:
4/2/2009 10:19AM		TR	15	#5052945075#15:15: Dialer No Answer :H0:2009-04-02:10:19:38:000:
4/6/2009 10:35AM		TR	15	#5052945075#15:15: Dialer No Answer :H0:2009-04-06:10:35:06:000:
4/8/2009 10:26AM		TR	15	#5052945075#15:15: Dialer No Answer :H0:2009-04-08:10:26:13:000:
4/9/2009 11:28AM	Verizon	++++	++++	S90-Pending Client Recall
4/9/2009 11:28AM	Verizon	+++++	+++++	Status Changed ACT   HLD
5/7/2009 2:30PM	Lduran	CS	CO	RCVED LITIGATION CMPLNT DBTER CLMS BCR HS VIOLATED THE NEW MEXICO COLLECTION AGENCY ACT AND FDCPA FWRD TO KAREN

Date Requested	Requested By	Date Processed	Letter Code	Description
11/6/2008	mlindstrom	11/7/2008	A20	First Dunning Letter
12/10/2008	bbuchko	12/10/2008	S20	Settlement Letter
1/8/2009	mlindstrom	1/8/2009	S20	Settlement Letter

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
SECOND JUDICIAL DISTRICT

RICHARD LUCERO, On behalf of himself  
and All others similarly situated,

Plaintiff,

vs.

NO. CV 200905059

BUREAU OF COLLECTION RECOVERY, INC.,

Defendant.

**SUMMONS**

TO: Bureau of Collection Recovery, Inc.  
7575 Corporate Way  
Eden Prairie, MN 55344

Greetings:

You are required to serve upon Alfred M. Sanchez, Attorney for Plaintiff, an answer or motion in response to the Complaint which is attached to this Summons within thirty (30) days after service of this Summons upon you, exclusive of the day of service, and file a copy of your answer or motion with the Court as provided in Rule 1-005NMRA.

If you fail to file a timely answer or motion, default judgment may be entered against you for the relief demanded in the Complaint.

Name and Address of Plaintiff's Attorney:

Alfred M. Sanchez  
301 Gold Ave. SW, Ste. 202  
Albuquerque, N.M. 87102

WILLIAM F. LANG

WITNESS the Honorable \_\_\_\_\_, district judge of the Second Judicial District Court of the State of New Mexico, and the seal of the district court of said County, this day of APR 9 2009.

JUANITA M. DURAN  
(Clerk of the District Court)

By: GERI SOLANO  
Deputy

NOTE:

This summons does not require you to see, telephone or write to the District Judge of the Court at this time.

It does require you or your attorney to file your legal defense to this case in writing with the Clerk of the District Court within 30 days after the summons is legally served on you. If you do not do this, the party suing may get a Court Judgment by default against you. If you want the advice of a lawyer and don't know one, you may wish to call the State Bar Statewide Lawyer Referral Service at 797-6066.

## RETURN

STATE OF \_\_\_\_\_ )  
                    ) ss.  
COUNTY OF \_\_\_\_\_ )

I, being duly sworn, on oath, say that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served the within Summons in said County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by delivering a copy thereof, with copy of Complaint attached, in the following manner:

- [ ] to Defendant \_\_\_\_\_ (used when Defendant receives copy of Summons or refuses to receive Summons).  
[ ] to the Defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (used when service is by mail or commercial courier service).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this Summons, with a copy of Complaint attached, in the following manner:

- [ ] to \_\_\_\_\_, a person over fifteen (15) years of age and residing at the usual place of abode of Defendant \_\_\_\_\_, (used when Defendant is not presently at place of abode) and by mailing by first class mail to the Defendant at \_\_\_\_\_ (insert Defendant's last known mailing address) a copy of the Summons and Complaint.
- [ ] to \_\_\_\_\_, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at \_\_\_\_\_ (insert Defendant's business address) and by mailing the Summons and Complaint by first class mail to the Defendant at \_\_\_\_\_ (insert Defendant's last known mailing address).
- [ ] to \_\_\_\_\_, an agent authorized to receive service of process for Defendant \_\_\_\_\_.
- [ ] to \_\_\_\_\_, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of Defendant \_\_\_\_\_, (used when Defendant is a minor or an incompetent person).
- [ ] to \_\_\_\_\_ (name of person), \_\_\_\_\_, (title of person authorized to receive service. Use this alternative when the Defendant is a corporation or an association subject to a suit under a common name, land grant board of trustees, the State of New Mexico or any political subdivision).

Fees: \_\_\_\_\_

Signature of Person Making Service

Title (if any)

Subscribed and sworn to  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_.

JUL 3 2009 (J-3-2-3)

Judge, Notary or Other Officer  
Authorized to Administer Oaths

Official Title  
My Commission Expires: \_\_\_\_\_

**STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
SECOND JUDICIAL DISTRICT COURT**

**RICHARD LUCERO,  
On behalf of himself and  
All others similarly situated,**

**Plaintiffs,**

**Case No. CV 2009 05059**

**vs.**

**BUREAU OF COLLECTION RECOVERY, INC.**

**Defendant,**

---

**DEFENDANT'S NOTICE OF FILING OF NOTICE OF REMOVAL**

---

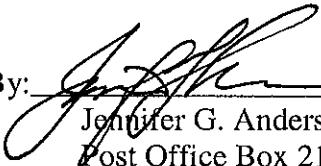
TO: Clerk of the District Court of the Second Judicial District Court of the State of New Mexico:

You are hereby notified that the above-captioned action has been removed to the docket of the United States District Court for the District of New Mexico on June 1, 2009 by the filing of a Notice of Removal by Defendant. A copy of said Defendant's Notice of Removal is attached hereto and incorporated herein by reference.

Dated this 1<sup>st</sup> day of June, 2009.

Respectfully submitted,

**MODRALL, SPERLING, ROEHL, HARRIS  
& SISK, P.A.**

By: 

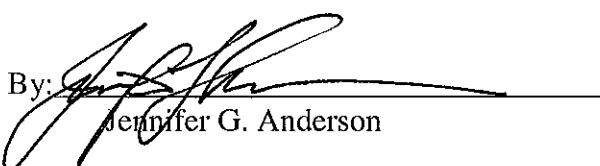
Jennifer G. Anderson  
Post Office Box 2168  
Bank of America Centre  
500 Fourth Street N.W., Suite 1000  
Albuquerque, NM 87103-2168  
Telephone: 505.848.1800  
*Attorneys for Bureau of Collection Recovery, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing **NOTICE OF FILING OF NOTICE OF REMOVAL** was served this 1<sup>st</sup> day of June, 2009, by placing same in the United States Mail, first-class postage prepaid, addressed to:

Alfred M. Sanchez, Esq.  
301 Gold Ave., SW, Ste. 202  
Albuquerque, NM 87102  
Ph: (505) 242-1979

**MODRALL, SPERLING, ROEHL, HARRIS  
& SISK, P.A.**

By: 

Jennifer G. Anderson

K:\dox\client\90000\801\W0989745.DOCX